



2878

PATENT APPLICATION  
Docket No: 14254.50

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Richard Donald Gunn et al.

Serial No.: 10/003,971

Filed: November 2, 2001

For: IMPROVEMENTS IN AND RELATING TO APPARATUS  
AND METHODS FOR MONITORING EMISSIONS

#9  
8 Mar 02  
R. Talbot  
RECEIVED  
MAR - 11 2002  
Art Unit  
2878  
ROOM

CERTIFICATE OF DEPOSIT UNDER 37 CFR § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the 12<sup>th</sup> day of February 2002.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 42 references (4 pages)
- Postcard

Respectfully submitted,

DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246

WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707

DLT:dfw

G:\DATA\WPDOCS3\DFW\DLT\URQUHART\50\_14254\0206IDS.DOC

**Docket No: 14254.50**

## COMPLEX LITIGATION

GENERAL E-MAIL: [info@wnspatent.com](mailto:info@wnspatent.com)

FACSIMILE (801) 328-1707

FRASER D. ROY  
CARL T. REED  
JESÚS JUANÓS I TIMONEDA, Ph.D.  
R. PARRISH FREEMAN, JR.  
PETER F. MALEN, JR.  
ADRIAN J. LEE  
L. REX SEARS, Ph.D.  
ERIC M. KAMERATH  
ROBERT E. AYCOCK  
JENS C. JENKINS  
KEVIN W. STINGER  
WILLIAM J. ATHAY  
WILLIAM R. RICHTER  
TRENT H. BAKER  
RYAN D. BENSON  
SARA D. JONES  
TIGE KELLER

† ADMITTED ONLY IN CALIFORNIA



For: **IMPROVEMENTS IN AND RELATING TO APPARATUS  
AND METHODS FOR MONITORING EMISSIONS**

RECEIVED  
JUN - 4 1964  
AIR MAIL ROOM  
2878  
Unit 10

\_\_\_\_ Statement of relevance of selected cited references not in the English language which are not translated.

\_\_\_\_ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

\_\_\_\_ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 42 references submitted for consideration.
- ☒ A copy of each of the references listed on the Form PTO-1449.
- ☐ English translations of \_\_\_\_ (\_\_\_\_) of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
  - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
  - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
  - ☐ Promptness Certification; or
  - ☐ Check No. \_\_\_\_\_ in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
  - ☐ Promptness Certificate;
  - ☐ Petition for Consideration; and

\_\_\_\_ Check No. in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. \_\_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

\_\_\_\_ Petition to Withdraw from Issue; and

\_\_\_\_ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 12<sup>th</sup> day of February 2002.

Respectfully submitted,



DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246



**022913**

PATENT TRADEMARK OFFICE

DLT:dfw

Enclosures

G:\DATA\WPDOCS3\DFW\DLT\URQUHART\50\_14254\0206\_ids\_trx.doc



PATENT APPLICATION  
Docket No: 14254.50

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Richard Donald Gunn et al.

Serial No.: 10/003,971

Filed: November 2, 2001

For: IMPROVEMENTS IN AND RELATING TO APPARATUS  
AND METHODS FOR MONITORING EMISSIONS

)  
)  
)  
)  
) Art Unit  
) 2878

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR § 1.97

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Please find, pursuant to 37 CFR § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 CFR § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 37 CFR §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 CFR § 1.56.

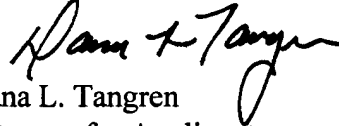
Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 CFR §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

RECEIVED  
MAR - 14 2002  
1C 2800 MAIL ROOM

Dated this 12<sup>th</sup> day of February 2002.

Respectfully submitted,



Dana L. Tangren  
Attorney for Applicant  
Registration No. 37,246



**022913**

PATENT TRADEMARK OFFICE

DLT:dfw

G:\DATA\WPDOCS3\DFW\DLT\URQUHART\50\_14254\0206IDS.DOC

Applicant: Richard Donald Gunn et al.

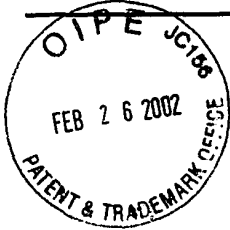
Confirmation No.: 6628

Serial No.: 10/003,971

Att'y Docket No.: 14254.50

Filing Date: November 2, 2001

Group: 2878

For: IMPROVEMENTS IN AND RELATING TO APPARATUS AND METHODS FOR  
MONITORING EMISSIONSINFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
___ 1	4,264,816	04/28/1981	Walenta
___ 2	4,267,446	05/02/1981	Brown et al.
___ 3	4,426,580	01/17/1984	Smith
___ 4	4,740,730	04/26/1988	Uda et al.
___ 5	4,788,430	11/29/1988	Gonthier
___ 6	4,814,608	03/21/1989	Dempsey et al.
___ 7	4,853,536	08/01/1989	Dempsey et al.
___ 8	4,859,854	08/22/1989	Kershner et al.
___ 9	4,970,391	11/13/1990	Uber, III
___ 10	4,992,658	02/12/1991	Ramsey, Jr. et al.
___ 11	5,008,540	04/16/1991	Dempsey
___ 12	5,053,624	10/01/1991	Kronenberg
___ 13	5,055,674	10/08/1991	Kotrappa
___ 14	5,059,803	10/22/1991	Kronenberg
___ 15	5,107,108	04/21/1992	Ramsey et al.
___ 16	5,126,567	06/30/1992	Dempsey et al.

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449

Applicant: Richard Donald Gunn et al.  
 Serial No.: 10/003,971  
 Filing Date: November 2, 2001  
 For: IMPROVEMENTS IN AND RELATING TO APPARATUS AND METHODS FOR  
 MONITORING EMISSIONS



Sheet 2 of 4  
 Confirmation No.: 6628  
 Att'y Docket No.: 14254.50  
 Group: 2878

Examiner Initial*	Document Number	Issue Date	Name
___ 17	5,128,540	07/07/1992	Stieff
___ 18	5,184,019	02/02/1993	MacArthur et al.
___ 19	5,187,370	02/16/1993	MacArthur et al.
___ 20	5,194,737	03/16/1993	MacArthur et al.
___ 21	5,281,824	01/25/1994	MacArthur et al.
___ 22	5,311,025	05/10/1994	MacArthur et al.
___ 23	5,371,363	12/06/1994	Lilimpakis
___ 24	5,426,305	06/20/1995	Siebentritt, Jr. et al.
___ 25	5,514,872	05/07/1996	Bolton et al.
___ 26	5,525,804	06/11/1996	MacArthur et al.
___ 27	5,539,208	07/23/1996	Overhoff
___ 28	5,550,381	08/27/1996	Bolton et al.
___ 29	5,663,567	09/02/1997	Steadman et al.
___ 30	5,679,958	10/21/1997	MacArthur
___ 31	5,877,502	03/02/1999	Koster et al.

RECEIVED  
 MAR-4 2002  
 102801 MAC-RCOM

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Form PTO-1449

Applicant: Richard Donald Gunn et al.  
 Serial No.: 10/003,971  
 Filing Date: November 2, 2001  
 For: IMPROVEMENTS IN AND RELATING TO APPARATUS AND METHODS FOR  
 MONITORING EMISSIONS



Sheet 3 of 4  
 Confirmation No.: 6628  
 Att'y Docket No.: 14254.50  
 Group: 2878

### Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>	<u>Translation</u>
___ 32	857005	12/21/1960	Great Britain	N/A
___ 33	1,090,745	11/15/1967	Great Britain	N/A
___ 34	2 202 369 A	09/21/1988	Great Britain	N/A
___ 35	2 301 222 A	11/27/1996	Great Britain	N/A
___ 36	2 337 110 A	11/10/1999	Great Britain	N/A
___ 37	2 337 153 A	11/10/1999	Great Britain	N/A
___ 38	2 337 156 A	11/10/1999	Great Britain	N/A
___ 39	2 338 060 A	12/808/1999	Great Britain	N/A
___ 40	WO 97/45754	12/04/1997	PCT	N/A
___ 41	WO 98/38531	09/03/1998	PCT	N/A

RECEIVED  
 MAR - 1 2002  
 TC 2800 MAIL ROOM

### Other Documents

(including author, title, pertinent pages, etc.)

Examiner  
Initial\*

\_\_\_ 42 Abstract of Japanese Patent No. JP 59-137875, published August 8, 1984.

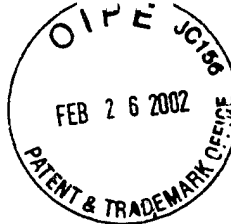
Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449

Applicant: Richard Donald Gunn et al.  
Serial No.: 10/003,971  
Filing Date: November 2, 2001  
For: IMPROVEMENTS IN AND RELATING TO APPARATUS AND METHODS FOR  
MONITORING EMISSIONS



Sheet 4 of 4  
Confirmation No.: 6628  
Att'y Docket No.: 14254.50  
Group: 2878

### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

G:\DATA\WPDOCS3\DFW\DLT\URQUHART\50\_14254\0123\_ids1449.doc

RECEIVED  
MAR - 1, 2002  
TC 2800 MAIL ROOM

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.